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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,087	12/12/2001	Daniel C. Biederman	062891.0610	6907
5073	7590	03/02/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			TON, DANG T	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/016,087	BIEDERMAN, DANIEL C.	
	Examiner	Art Unit	
	DANG T. TON	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/9/06</u> | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US2003/0219029) in view of Ozer et al. (4,839,640) .

For claims 1-20, Pickett (US2003/0219029) disclose an access control system having centralized control comprising :

an interface, the interface receiving a packet (see box 20 in figure 3);

a packet inspection and assembly unit, the packet inspection and

assembly unit examining the packet received from the interface (see box 50 , San Francisco in figure 47 A); and

a packet buffering, processing and management unit, the packet

buffering, processing and management unit accepting packets in response to a power failure (see column 41 lines 1-10) ;

a second interface, the second interface sending a packet to a subscriber client (see computer terminals in figure 47A);

a second packet inspection and assembly unit, the second packet inspection and

assembly unit examining the packet sent to the second packet inspection and assembly unit by the second interface (see box 50 , New York in figure 47 A);

wherein the packet buffering, processing and management unit accepts only voice packets (see column 41 lines 1-10);

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wherein the packet buffering, processing and management unit accepts only high priority packets (see column 41 lines 1-10);

wherein the packet inspection and assembly unit determines high priority packets by examining the header of each packet received by the interface (see RTC in figure 49A);

wherein the packet inspection and assembly unit determines high priority packets by examining the contents of each packet received by the interface (see column 41 lines 1-10);

wherein the packet buffering, processing and management unit accepts only high priority packets (see column 41 lines 1-10);

wherein the second packet inspection and assembly unit determines high priority packets by examining the header of each packet received by the second interface (see column 41 lines 1-10) and (see RTC in figure 49A) ;

wherein the second packet inspection and assembly unit determines high priority packets by examining the contents of each packet received by the second interface (see column 41 lines 1-10);

wherein the high priority packet is define by one or more of a service level agreement, a quality of service metric, a bandwidth allocation, virtual local area network assignments, a class of service, and an Internet Protocol address (see column 41 lines 1-10);

wherein the high priority packet is define by one or more of a service level agreement, a quality of service metric, a bandwidth allocation, virtual local area network assignments, a class of service, or an Internet Protocol address (see column 41 lines 1-10);

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wherein the subscriber client comprises one or more of a Internet Protocol telephony device, a wireless telephone, a plain old telephony system telephony device, a gateway device, a hub, a switch, a personal computer, a conventional television, a video converter, a set top box, or a router (see figure 47A) ;

wherein the packet buffering, processing and management unit selectively performs compression/decompression operations on packets (see column 5 lines 1-3);

wherein the packet buffering, processing and management sends a message indicating a power failure to a source of a rejected packet upon a power failure (see column 30 lines 26-46);

means for determining whether to transmit or drop the packet (see column 41 lines 1-10);

the power sources comprising at least one main power and one backup power supply (see column 3 lines 31-37);

Wherein the packet buffering unit regulates bandwidth in response to a power failure (see box 99 in figure 5);

and further comprising a processor examine packets (see MGCP controller in figure 47A) and a router (see box 50 in figure 47 A).

For claims 1-15,18-24,36-41 and 43, Pickett discloses all the subject matter of the claimed invention with the exception of selectively accepting packets in response to a power failure in a communications network. Ozer et al. from the same or similar fields

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of endeavor teaches a provision of selectively accepting packets in response to a power failure (see column 2 lines 30-34, column 5 lines 1-5 and abstract lines 8-11). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use selectively accepting packets in response to a power failure as taught by Ozer et al. in the communications network of Pickett.

The selectively accepting packets in response to a power failure into the network of Pickett since Pickett does teach storing packet when power is failure. The motivation for using selectively accepting packets in response to a power failure as taught by Ozer et al. into the communications network of Pickett being that it provides much higher utilizations while maintaining the guaranteed QoS and preventing loss of data packets.

For claims 25-34, Pickett discloses all the subject matter of the claimed invention with the exception of identifying available power sources in a communications network. However, identifying available power sources is well known in the art. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use identifying available power sources in the communications network of Pickett. The identifying available power sources can be implemented/modified into the network of Pickett since Pickett does teach power supply and backup power supply. The motivation for using identifying available power sources into the communications network of Pickett being that it provides the system more reliable since it detects the power failure.

For claims 16-17,35, and 42 , Pickett discloses all the subject matter of the claimed invention with the exception of a message indicating a power has been restored to a source of a rejected packet as recited in claim 16; the length of time of the power failure as recited in claim 17 and claim 42; one selected from the group consisting of CD-ROM, a flash memory, system memory, floppy disk, a tape drive, a hard drive, and a data signal as recited in claim 35. Ozer et al. from the same or similar fields of endeavor teaches a provision of a message indicating a power has been restored to a source of a rejected packet as recited in claim 16; the length of time of the power failure as recited in claim 17 and claim 42 and can be selected from the group consisting all devices recited in claim 42 (see column 7 lines 6-9). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use a message indicating a power has been restored to a source of a rejected packet as recited in claim 16; the length of time of the power failure as recited in claim 17 and claim 42 as taught by Ozer et al. in the communications network of Pickett.

The message indicating a power has been restored to a source of a rejected packet as recited in claim 16; the length of time of the power failure as recited in claim 17 and claim 42 can be implemented/modified into the network of Pickett since Pickett does teach storing packet when power is failure. The motivation for using a message indicating a power has been restored to a source of a rejected packet as recited in claim 16; the length of time of the power failure as recited in claim 17 and claim 42 as

taught by Ozer et al. into the communications network of Pickett being that it prevents loss of data packets and make the system more reliable.

2. Applicant's arguments filed 1/9/2006 have been fully considered but they are not persuasive.

In the remarks of Jan 09 ,2006, applicant traverses the rejection under 35 U.S.C 103. The traversal is based on ground of that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Applicants also argued that Ozer does not teach selectively accepting packets in response to a power failure. This argument is not found to be persuasive. Applicant's attention is directed at column 2 lines 30-34, column 5 lines 1-5 and abstract lines 8-11 wherein it teaches selectively accepting packets in response to a power failure.

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T. TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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D. Ton

A handwritten signature in black ink, appearing to read "TON DAWN" with a stylized flourish at the end.

DANG TON
PRIMARY EXAMINER